

CDS ADVICE TO MND: PUBLIC SAFETY REQUEST FOR FEDERAL ASSISTANCE WITH RESPECT TO PROTEST BLOCKADES IN OTTAWA

From: "Eyre Gen WD@CDS@Ottawa-Hull" <wayne.eyre@forces.gc.ca>
To: "HAA MND@MND@Ottawa-Hull" <haa.mnd@forces.gc.ca>, Anita Anand
<[Irrelevant]@parl.gc.ca>
Cc: "Matthews B@DM@Ottawa-Hull" <bill.matthews@forces.gc.ca>, "Power MD@MND@Ottawa-Hull" <michael.power4@forces.gc.ca>, "Allen LGen FJ@VCDS@Ottawa-Hull" <frances.allen@forces.gc.ca>, "Prevost MGen JPR@SJS@Ottawa-Hull" <paul.prevost2@forces.gc.ca>, "Kempton LA@ADM(PA)@Ottawa-Hull" <laurie-anne.kempton@forces.gc.ca>, "Kim SF@MND@Ottawa-Hull" <sabrina.kim@forces.gc.ca>, "Quinn BGen DO@CDS@Ottawa-Hull" <darlene.quinn@forces.gc.ca>, "Hennessey R@DM@Ottawa-Hull" <riley.hennessey@forces.gc.ca>
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Minister:

As you are aware, blockades by both persons and motor vehicles are occurring at various locations throughout Canada and are creating a serious risk of violence against persons or property, including critical infrastructure. The persons blockading these locations appear to have done so to protest various aspects of the Canadian response to COVID by all levels of government. Many of the blockades have impacted public infrastructure that is critical to the economy and the functioning of Canadian society. In many cases, law enforcement efforts to clear these occupations require more resources than are available locally. The RCMP, as well as provincial and local forces, are supporting each other's efforts at numerous locations across the country. This poses a logistical challenge as police forces are moved around in support of each other and massed for operations. We expect that there is a potential for numerous short-notice requests from law enforcement agencies to Public Safety (PS) for Federal Government support to logistical challenges that the CAF could be requested to support. In fact we are expecting an imminent request along these lines at this time.

The first such specific RFA that has been received by PS is from the Parliamentary Protective Services (PPS), and involves the CAF provision of ration packs. PPS is planning for the possibility of a lockdown of the Parliamentary Precinct for operational reasons. Such a lock down would affect a large number of employees who would not be able to leave the premises. PPS is working rapidly to secure various supplies for its staff, and has approached other Federal partners and non-governmental organizations (NGOs) for support. Public Health Agency of Canada (PHAC), through the National Emergency Strategic Stockpile (NESS), has confirmed their ability to provide cots, mattresses, blankets, and coffee-making equipment. However, the NESS does not store rations and the PPS has a requirement of up to 4,800 dry rations. The PPS has been able to meet some of this requirement through commercial purchases; however, another 1,200 dry rations are needed to ensure a sufficient supply. Due to the immediacy of the needs, the CAF have been identified as a force of last resort to fulfil the request and we expect an official RFA from PS shortly.

I am very cognizant that it is the position of the Government that military force not be used to resolve this crisis. However, the RCMP, Parliamentary Protective Service (PPS), and Ontario Provincial Police (OPP) have signalled that they may, through Public Safety, request CAF support to assist in logistical challenges outlined above. Such requests would likely be for non-public facing logistical support to include the provision of CAF accommodations, rations,

transportation, airlift, and the provision of infrastructure for staging, or storing police equipment. With this in mind I am seeking approaches for DND/CAF to be most responsive within extant authorities and your direction.

One option is to consider such requests as outlined above under the direction provided by your predecessor to the CDS on 7 April 2020, directing a response to the Minister of Public Safety's request for assistance of 30 March 2020 relating to the whole-of-government response to COVID-19 and natural disaster emergency activities. That direction indicated that "[...] as I consider that the assistance is in the national interest and that the matter cannot be effectively dealt with except with the assistance of the CAF, I will approve CAF assistance to law enforcement authorities on a case-by-case basis based on your military advice in circumstances described in this letter, and where there is no requirement to detain, arrest, or use force with respect to any person." Further direction in the letter specified "Pursuant to NDA section 273.6(2), I will assess and authorize the CAF to provide assistance in respect to the following law enforcement matters, on a case by case basis based on your military advice, where there is no expected requirement to detain, arrest, or use force with respect to any person: Providing logistical and general support, as well as transportation, and infrastructure assistance to law enforcement officials."

I assess all of these proposed effects to constitute activity within the scope of the 7 April 2020 direction from the MND to the CDS, and as such I do not assess that there is a requirement for a new formal request from the Minister of Public Safety. Public Safety officials share this view. Public Safety officials have indicated that they have the authority to make this request for this activity, and the police forces requesting the assistance have the authority to undertake the underlying activity that CAF assistance is being requested for.

If you concur with using the authorities outlined in the 7 April 2020 direction, I intend to direct the CAF to provide the following support upon receipt of a request for assistance from PS pertaining to the blockades and occupations in Ottawa:

- * As capacity allows, provide CAF accommodations, rations, ground transportation, and airlift to law enforcement personnel.
- * As capacity allows, provide access to CAF infrastructure for use by law enforcement officials for staging points, storing police equipment or similar purposes.

Public Safety officials confirm that this assistance remains in the national interest, and that the matter cannot be effectively dealt with except with the assistance of the Canadian Armed Forces.

The location of the support is centralized in Ottawa, ON to address the blockades and occupations in the city, including the Parliamentary district. The duration of the support, if approved by you, would last until the Emergencies Act declaration has been revoked, or expires without being continued. Any support required beyond the period of the Emergencies Act declaration or to support law enforcement activities pertaining to blockades outside of Ottawa will be considered separately.

If you do not concur with this approach, each request from Public Safety will be processed separately in accordance with established Request for Authorities processes for assistance under National Defence Act s. 273.6(2).

The issues surrounding law enforcement have been carefully considered. At no time will CAF members be employed in a security or enforcement role.

It is expected that additional support may be required and requested by PS to support law enforcement officials which could include some peripheral but public-facing tasks beyond what you authorize here. Should this be the case, I will return to you with additional advice.

If you approve this activity then I will approve the support to PPS and future support requests within the scope of your approval, when Public Safety indicates that the support would remain in the national interest and that the matter cannot be effectively dealt with except with the assistance of the Canadian Armed Forces. I will keep you updated on any such approvals that I make, or any related developments, Minister.

V/R

Wayne

Sent from my iPhone